

IN THE UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT

SUMMIT CARBON SOLUTIONS	)	
LLC,	)	
	)	No. 23-3758 and 37-3760
Plaintiff-Appellee,	)	
	)	
vs.	)	
	)	MOTION FOR LEAVE TO FILE
SHELBY COUNTY, IOWA, et al.,	)	AMICUS CURIAE BRIEF
and STORY COUNTY, Iowa,	)	
et al.,	)	
	)	
Defendants-Appellants.	)	

Comes now Pipeline Safety Trust, pursuant to Federal Rule of Appellate Procedure 29, and in support of this Motion for Leave to File Amicus Brief, states to the Court as follows:

1. This case involves an action by Summit Carbon Solutions (Summit) seeking to invalidate zoning and land use ordinances adopted by the defendant counties. The ordinances would establish requirements for the location of hazardous liquid pipelines and would require coordination between the counties and the pipeline company regarding emergency response in the event of a pipeline rupture or leak.

2. Summit contends, and the district court determined, that the county ordinances are preempted by federal and state law. Pipeline Safety Trust disagrees with that determination and supports the counties' appeal herein.

3. The Pipeline Safety Trust promotes pipeline safety through education and advocacy, increased access to information, and partnerships with residents, safety advocates, government, and industry, resulting in safer communities and a healthier environment. The Pipeline Safety Trust envisions a world where residents feel safe from the hazards of energy infrastructure, where residents trust their government to protect them from hazards, where government authorities are proactive and innovative in their approaches to accident prevention, where energy and utility industries partner with communities to promote safety and environmental protection, where communities are empowered with information and technical expertise, and where community residents have a meaningful voice in pipeline decision-making.

4. In this case, Pipeline Safety Trust believes that its experience and expertise in the area of pipeline safety can bring to the Court information and a broader perspective that can inform the Court's decision in this case. Specifically, the amicus brief explains why the county ordinances in this case are necessary to fulfill the intent of federal and state laws and regulations and why carbon dioxide pipelines pose unique issues that it is appropriate for the county ordinances to address. The district court did not consider these

justifications for the county ordinances and why these justifications establish that the ordinances are not preempted by federal or state law.

WHEREFORE, Pipeline Safety Trust requests that it be allowed to file its Amicus Curiae Brief.

/s/ *Wallace L. Taylor*

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